

RESOLUTION GRANTING THIRD ROUND SUBSTANTIVE CERTIFICATION #48-09

Sandyston Township, Sussex County

WHEREAS, Sandyston Township, Sussex County, petitioned the Council on Affordable Housing (COAH) for substantive certification of a Housing Element and Fair Share Plan addressing its total 1987-2018 affordable housing obligation on November 25, 2008; and

WHEREAS, Sandyston Township published notice of its petition in *The New Jersey Herald* on January 26, 2009, which is a newspaper of general circulation within the county, pursuant to N.J.S.A. 52:27D-313 and N.J.A.C. 5:96-3.5; and

WHEREAS, no objections to the plan were received by COAH during the 45-day objection period, which ended March 12, 2009; and

WHEREAS, Sandyston Township's fair share plan addresses a total 1987-2018 affordable housing obligation of 55 units, consisting of a six-unit rehabilitation share, 13-unit prior round obligation and a 36-unit projected growth share obligation pursuant to N.J.A.C. 5:97; and

WHEREAS, COAH staff has reviewed the Township's Housing Element and Fair Share Plan, which is incorporated by reference herein; and

WHEREAS, Sandyston Township proposes to address its six-unit rehabilitation share with six credits from units rehabilitated using Small Cities funding; and

WHEREAS, the Township proposes to address its 13-unit prior round obligation with seven accessory apartments and three bedroom units of a four-bedroom group home being developed by Willow Glen Academy and for which it is eligible for three rental bonuses; and

WHEREAS, Sandyston proposes to address its 36-unit projected growth share obligation with three accessory apartments, one bedroom from the Willow Glen group home and two

phased four-bedroom group homes, and five phased municipally-sponsored rental projects for a total of 24 units; and

WHEREAS, pursuant to N.J.A.C. 5:97-3.2(a)4, Sandyston has provided an implementation schedule that demonstrates a realistic opportunity and sets forth a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.7 and N.J.A.C. 5:97-6.10; and

WHEREAS, pursuant to N.J.A.C. 5:96-6.2(a)2, COAH issued a Compliance Report (attached as Exhibit A and incorporated by reference herein) on October 9, 2009 recommending approval of Sandyston Township's petition for third round substantive certification; and

WHEREAS, there was a 14-day period to submit comments to the COAH Compliance Report pursuant to N.J.A.C. 5:96-6.2(b) and no comments were submitted.

NOW THEREFORE BE IT RESOLVED that the Housing Element and Fair Share Plan submitted by Sandyston Township comports to the standards set forth at N.J.S.A. 52:27D-314 and meets the criteria for third round substantive certification pursuant to N.J.A.C. 5:96-6.3; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-6.2(a), after having reviewed and considered all of the above, COAH hereby grants third round substantive certification to Sandyston Township; and

BE IT FURTHER RESOLVED that after receiving final substantive certification, pursuant to N.J.A.C. 5:96-6.3(e), Sandyston Township shall adopt all implementing Fair Share Ordinances within 45 days of this grant of substantive certification; and

BE IT FURTHER RESOLVED if Sandyston Township fails to timely adopt its Fair Share Ordinances, COAH's grant of substantive certification shall be void and of no force and effect; and

BE IT FURTHER RESOLVED that Sandyston shall submit all Fair Share Ordinances to COAH upon adoption; and

BE IT FURTHER RESOLVED that Sandyston shall comply with COAH monitoring requirements as set forth in N.J.A.C. 5:96-11, including reporting Sandyston's actual growth pursuant to N.J.A.C. 5:97-2.5; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-10.1, COAH shall conduct biennial plan evaluations upon substantive certification of Sandyston's Housing Element and Fair Share Plan to verify that the construction or provision of affordable housing has been in proportion to the actual residential growth and employment growth in the municipality and to determine that the mechanisms addressing the projected growth share obligation continue to present a realistic opportunity for the creation of affordable housing; and

BE IT FURTHER RESOLVED that if upon any biennial review the difference between the number of affordable units constructed or provided in Sandyston and the number of units required pursuant to N.J.A.C. 5:97-2.5 results in a prorated production shortage of 10 percent or greater, the Township is not adhering to its implementation schedule pursuant to N.J.A.C. 5:97-3.2(a)4, or the mechanisms addressing the projected growth share obligation no longer present a realistic opportunity for the creation of affordable housing, the Council may direct the municipality to amend its plan to address the shortfall; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:97-2.5(e), if the actual growth share obligation determined is less than the projected growth share obligation, Sandyston shall continue to provide a realistic opportunity for affordable housing to address the projected growth share; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-6.3(b), Sandyston's substantive certification shall remain in effect until November 25, 2018; and

BE IT FURTHER RESOLVED that any changes to the facts upon which this substantive certification is based or any deviations from the terms and conditions of this substantive certification which affect the ability of Sandyston Township to provide for the realistic opportunity of its fair share of low and moderate income housing and which the Township fails to remedy, may render this certification null and void.

I hereby certify that this resolution was
duly adopted by the Council on Affordable
Housing at its public meeting on October 26, 2009

A handwritten signature in black ink, reading "Renee Reiss". The signature is written in a cursive style with a large, looping initial "R".

Renee Reiss, Secretary
Council on Affordable Housing



Council on Affordable Housing Compliance Report October 9, 2009



Sandyston: Sandyston Township
County: Sussex County

COAH Region: 1
Planning Area: 4, 4B, & 5
Special Resource Area: N/A

Housing Element and Fair Share Plan Adopted: November 3, 2008
Petition for 3rd Round Substantive Certification: November 25, 2008
Completeness Determination: January 15, 2009
Date of Publication: January 26, 2009

Objections Received: No

Petition Includes:

VLA: No
GPA: No
Waiver: No **Section:** N/A

Date of Site Visit: October 19, 2009

History of Approvals:

	COAH	JOC	N/A
First Round:			<i>x</i>
Second Round:			<i>x</i>
Extended Certification:			<i>x</i>

Plan Preparer: Jessica Caldwell, P.P., A.I.C.P. – Harold E. Pellow & Associates, Inc.

Municipal Housing Liaison: Sharon Yarosz – Land Use Administrator

Recommendation: Grant Substantive Certification

SUMMARY OF FAIR SHARE OBLIGATION

Rehabilitation Share	6
Prior Round Obligation	13
Projected Growth Share Obligation	36

ACTUAL GROWTH and GROWTH SHARE through September 30, 2009¹

Res Units (#)	Actual Res Growth Share	Jobs (#)	Actual Non-Res Growth Share	Actual TOTAL Growth Share
11	2 units	1	0 units	2 units

COMPLIANCE PLAN SUMMARY

Obligation	Credit/ Mechanism Type	No. Units Completed	No. Units Proposed	TOTAL
Rehabilitation: 6 units				
Credits	Post-April 1, 2000	6		6
Rehabilitation Subtotal				6
NEW CONSTRUCTION:				
Prior Round: 13 units				
Proposed Mechanism(s)	Accessory Apt		7	7
	Supportive/Special Needs Housing		3	3
Prior Round Bonus(es)	Rental		3	3
Prior Round Subtotal				13
Growth Share: 36 units				
Proposed Mechanism(s)	Municipally- Sponsored 100% Affordable		24	24
	Supportive/Special Needs Housing		9	9
	Accessory Apt		3	3
Growth Share Subtotal				36

¹ This growth share number does not take into account allowable exclusions permitted under N.J.A.C. 5:97-2.5; therefore, the actual growth share may vary.

I. HOUSING ELEMENT

Pursuant to N.J.S.A. 40:55D-28(b), the Housing Element is a required section of the Municipal Master Plan. The Housing Element must be designed to achieve the goal of access to affordable housing to meet existing and future housing needs, with special attention given to low- and moderate-income households. The housing needs analysis must include demographic information on existing and projected housing stock and employment characteristics, a quantification of low- and moderate-income housing need, and a consideration of the lands within the municipality that are most appropriate to accommodate such housing. Sandyston's Housing Element includes sufficient information regarding housing stock, demographic and employment characteristics and population trends pursuant to N.J.S.A. 52:27D-310.

Under N.J.A.C. 5:97-2.1(b), the Housing Element must also set forth Sandyston's fair share obligation, which is the sum of the rehabilitation share, the prior round obligation, and the growth share.

A. Rehabilitation Share

The rehabilitation share is the number of existing housing units within a municipality as of April 1, 2000, that are both deficient and occupied by households of low or moderate income. As indicated in Appendix B of N.J.A.C. 5:97, Sandyston has a rehabilitation share of six (6) units.

B. Prior Round Obligation

The prior round obligation is the cumulative 1987-1999 new construction obligation provided in Appendix C of N.J.A.C. 5:97. Sandyston has a prior round obligation of 13.

C. Projected Growth Share

The projected growth share is initially calculated based on household (residential) and employment (non-residential) 2004-2018 projections. Pursuant to Appendix F of N.J.A.C. 5:97, Sandyston has a residential projection of 143 units and a non-residential projection of 114 jobs,

which results in an initial projected growth share obligation of 36 affordable units.²

SUMMARY OF FAIR SHARE OBLIGATION

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II. FAIR SHARE PLAN

A Fair Share Plan, as required under N.J.A.C. 5:97-3.1, describes the completed or proposed mechanisms and funding sources, if applicable, that will be utilized to specifically address Sandyston's rehabilitation share, prior round obligation, and growth share obligation and includes the draft ordinances necessary to implement that plan. Affordable housing must be provided in direct proportion to the growth share obligation generated by the actual growth.

Sandyston's Fair Share Plan, and the supporting documentation incorporated by reference therein, addresses the requirements of N.J.A.C. 5:97-3.1 as follows:

A. Plan to Address Rehabilitation Share

Rehabilitation Share Credits

Sandyston is requesting credit for six units rehabilitated subsequent to April 1, 2000. In accordance with N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11.

Rehabilitation Credits

Rehabilitation Program	No. Credits
Joint Rehab Program with Montague (Small Cities)	6
TOTAL	6

² Pursuant to N.J.A.C. 5:97-2.2(d), Sandyston's residential projection of 143 is divided by 5 to yield 28.6 units and the nonresidential projection of 114 jobs is divided by 16 to yield 7.1 units. Sandyston's total projected growth share is therefore 35.7 units (28.6 + 7.1).

B. Plan to Address Prior Round Obligation

Prior Round Obligation Credits

Sandyston's Housing Element and Fair Share Plan does not include any prior round obligation credits.

Proposed Affordable Housing Mechanisms

Sandyston proposes to address its 13-unit prior round obligation through the following mechanisms:

Accessory Apartment Program

Sandyston will utilize an accessory apartment program to address seven (7) units of its prior round obligation. The Township submitted a draft accessory apartment ordinance which permits accessory apartments in any residential or mixed-use zoning district and which complies with N.J.A.C. 5:97-6.8. Residential lots in the Township are generally one acre or larger and are suitable for accessory apartments. The Township requires homeowners seeking to create accessory apartments to demonstrate adequate parking, septic and well capacity on the site. Accessory apartments will have ten-year deed restrictions and will be administered in accordance with N.J.A.C. 5:80-26.1 et seq. (the Uniform Housing Affordability Controls (UHAC)). In accordance with its Spending Plan, Sandyston anticipates subsidizing its first five accessory apartments at \$20,000 per unit beginning in 2010 and five accessory apartments at \$25,000 per unit beginning in 2015. Sandyston has also adopted a resolution of intent to bond in the event of a funding shortfall for this program.

Pursuant to N.J.A.C. 5:97-6.8(e), Sandyston has submitted a draft operating manual that includes a description of the program procedures and administration in accordance with UHAC and an affirmative marketing plan, which it must adopt within 45 days of certification. Sandyston has also submitted a draft contract with Steve Weinberg of Community Action Services to serve as the administrative agent for the accessory apartment program. The contract must be executed by both parties and submitted to COAH within 45 days of the date of substantive certification. **[Seven-Unit Accessory Apartment Program]**

Supportive and Special Needs Development

Sandyston requests three credits and three rental bonuses for a proposed four-bedroom group home that it is creating in partnership with a non-profit supportive and special needs services provider to address six credits of its prior round obligation. The Township proposes to subsidize this project at a cost of \$70,000 from its affordable housing trust fund and has submitted a resolution of intent to bond in case of a funding shortfall. Willow Glen Academy has been selected by the Township to serve as the non-profit sponsor/service provider for the project and the Township has submitted a draft resolution designating Willow Glen as the administrative entity for this project. In addition, Sandyston has authorized Willow Glen to purchase a 3.89-acre parcel located at 3 Volker Lane (Block 801, Lot 11.01). A contract to purchase the property is pending between Willow Glen and Thomas Brackney, the property owner. The Township has indicated that the two parties are still negotiating and that a contract will be executed prior to substantive certification.

The site is located in the Walpack Ridge Residential zoning district in Planning Area 4B of the State Development and Redevelopment Plan. There are no environmental constraints on the site and the site has been tested and deemed suitable for a septic system and wells by the Township professionals. The Township has submitted a schedule for the construction of the development, which is anticipated to be placed into service by December 2010. [**Three rental units and three rental bonuses**]

Proposed Prior Round Affordable Housing Mechanisms

Type/Name of Affordable Housing Mechanism	Type of Affordable Unit	No. Units/Bedrooms	Bonus Type	No. Bonuses	Total Units/Bedrooms + Bonuses
Accessory Apartment Program	Family rental	7	n/a	0	7
Willow Glen Group Home	Special needs rental	3	Rental	3	6
TOTALS		10		3	13

Prior Round Obligation Parameters

Sandyston proposes to satisfy the applicable Prior Round parameters as follows:

Prior Round Rental Obligation:³ 3 Units

Development/Project Name	Type of Affordable Unit	No. Units
Accessory Apartment Program	Family rental	7
Willow Glen Group Home	Special needs rental	3
TOTAL		10

Prior Round Rental Bonus Maximum⁴ : 3 Units

Development/Project Name	Type of Bonus	No. Bonuses
Willow Glen Group Home	Special needs rental	3
TOTAL		3

C. Plan to Address Projected Growth Share

Growth Share Obligation Credits

Sandyston's Housing Element and Fair Share Plan does not include any growth share obligation credits.

Proposed Affordable Housing Mechanisms

Sandyston proposes to address its 36-unit growth share obligation through the following mechanisms:

Accessory Apartment Program

Sandyston will address three units of its growth share obligation through its accessory apartment program. As previously mentioned, the Township submitted a draft accessory apartment

³ Rental Obligation: Pursuant to N.J.A.C. 5:97-3.10(b)1, the Prior Round Rental Requirement = .25(13 – 0) or 3 units.

⁴ Pursuant to N.J.A.C. 5:97-3.5, no rental bonuses shall be granted for rental units in excess of the prior round rental obligation, therefore, Prior Round Rental Bonus Maximum = Prior Round Rental Obligation

ordinance which permits accessory apartments in any residential or mixed-use zoning district and which complies with N.J.A.C. 5:97-6.8. [**Three-Unit Accessory Apartment Program**]

Supportive and Special Need Developments

Sandyston proposes to address nine units of its growth share obligation with one of the bedrooms in the proposed Willow Glen Academy group home and two additional four-bedroom group homes proposed to be created in partnership with a non-profit supportive and special needs provider on a future site that has yet to be identified. The Township will fund these two group homes at a cost of \$70,000 per home from its affordable housing trust fund for a total of \$140,000. Both homes are anticipated to be placed into service in 2014 and 2016 respectively. Sandyston will submit documentation to COAH in accordance with an implementation schedule as follows:

Group Home #2 with 12/2014 anticipated service date

- January 15, 2012: Submit copy of proof of site control and site suitability
- April 1, 2012: Submit copy of RFP to COAH
- June 15, 2012: Submit copy of executed agreement with site developer or sponsor, including pro-forma statement and documentation of funding sources
- August 15, 2012: Submit copy of development approvals
- December 31, 2014: Submit copy of building permits and final certificate of occupancy issued

Group Home #3 with 12/2016 anticipated service date

- January 15, 2014: Submit copy of proof of site control and site suitability
- April 1, 2014: Submit copy of RFP to COAH
- June 15, 2014: Submit copy of executed agreement with site developer or sponsor, including pro-forma statement and documentation of funding sources
- August 15, 2014: Submit copy of development approvals
- December 31, 2015: Submit copy of building permits issued
- December 31, 2016: Submit copy of final certificate of occupancy issued.

[**Nine (9) rental units**]

Municipally-Sponsored and 100 percent Affordable Rentals

The remaining 24 units of Sandyston's projected growth share obligation will be addressed through several municipally-sponsored and 100 percent affordable rental projects. These project will consist of one four-unit building and four five-unit buildings to be constructed between 2014 and 2018 on five future sites that have yet to be identified. The Township anticipates funding 22 percent of the cost of providing these units, or \$540,000, using expected funds from its affordable housing trust fund account. The Township proposes to submit documentation to COAH according to the following implementation schedule:

- June 1, 2014: Submit evidence of site control along with site description and suitability analysis
- December 15, 2014: Submit copy of RFP to COAH
- January 1, 2015: Submit copy of executed agreement with site developer or sponsor, including documentation of funding sources
- March 15, 2015: Submit copy of development approvals
- July 15, 2015: Submit copy of building permits issued
- December 1, 2016: Submit copy of pro-forma statement
- January 1, 2017: Submit copy of final certificate of occupancy issued, resolution and/or executed contract designating an experience Administrative Agent along with his/her qualifications, adopted operating manual that includes description of program procedures and an affirmative marketing plan consistent with UHAC

[24 rental units]

Proposed Growth Share Affordable Housing Mechanisms

Type/Name of Affordable Housing Mechanism	Type of Affordable Unit	No. Units/Bedrooms	Bonus Type	No. Bonuses	Total Units/Bedrooms + Bonuses
Accessory Apartment Program	Family rental	3	n/a	0	3
Willow Glen Group Home	Special needs rental	1	n/a	0	1
Supportive and Special Needs Housing	Special needs rental	8	n/a	0	8
Municipally-Sponsored and 100% Affordable Rentals	Family rental	24	n/a	0	24

TOTALS	36		0	36
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Growth Share Parameters

Sandyston proposes to satisfy the applicable Growth Share parameters as follows:

Growth Share Rental Obligation:⁵ 9 Units

Development/Project Name	Type of Affordable Unit	No. Units
Accessory Apartment Program	Family rental	3
Willow Glen Group Home	Special needs rental	1
Supportive and Special Needs Housing	Special needs rental	8
Municipally-Sponsored and 100% Affordable Rentals	Family rental	24
TOTAL		36

Growth Share Family Rental Requirement⁶ : 5 Units

Development/Project Name	Type of Affordable Unit	No. Units
Municipally-Sponsored and 100% Affordable Rentals	Family rental	24
TOTAL		24

⁵ Projected Growth Share Rental Obligation: .25(Projected Growth Share) or .25(36)= 9 units pursuant to N.J.A.C. 5:97-3.10(b)3

⁶ Projected Growth Share Family Rental Requirement: .5(Projected Growth Share Rental Requirement) or .5(9)= 5 units pursuant to N.J.A.C. 5:97-3.4(b)

Growth Share Minimum Family Requirement⁷ : 18 Units

Development/Project Name	Type of Affordable Unit	No. Units
Municipally-Sponsored and 100% Affordable Rentals	Family rental	24
TOTAL		24

Very Low Income Minimum Requirement⁸ : 5 Units

Development/Project Name	Type of Affordable Unit	No. Units
Municipally-Sponsored and 100% Affordable Rentals	Family rentals	3
Willow Glen Group Home	Special needs rental	1
Supportive / Special Needs Housing	Special needs rental	8
TOTAL		9

Actual Growth Share Obligation

The actual growth share obligation will be based on permanent certificates of occupancy issued within Sandyston for market-rate residential units and newly constructed or expanded non-residential developments in accordance with Appendix D of N.J.A.C. 5:97. At plan evaluation review pursuant to N.J.A.C. 5:96-10, COAH will compare the actual growth share obligation with the actual number of affordable units constructed.

The New Jersey Department of Community Affairs (NJ DCA) *Construction Reporter* indicates that between January 1, 2004 and September 2008, Sandyston has issued certificates of occupancy for 11 housing units and also for the non-residential square footage equivalent of one job,

⁷ Projected Growth Share Family Requirement: Pursuant to N.J.A.C. 5:97-3.9, this is at least 50 percent of units addressing the Growth Share Obligation or .5(36)= 18 units

⁸ Growth Share Very Low Income Requirement: .13(units addressing the Growth Share Obligation) or .13(36) = 5 units pursuant to P.L.2008, c.46 (**Note:** COAH encourages at least 50% of the VLI Requirement be met with family units.)

yielding an actual growth share obligation through September 30, 2008, of two affordable units.⁹

D. Summary of Plan to Address Fair Share Obligation

REHABILITATION SHARE SUMMARY
Rehabilitation Share: 6 Units

Program Name	No. Credits
Joint Rehabilitation Program with Montague Twp (Small Cities)	6
TOTAL	6

PRIOR ROUND SUMMARY
Prior Round Obligation: 13 Units

	Name of Mechanism	No. Units/ Bedrooms	Bonus Type	No. Bonuses	Total Units/Bedrooms + Bonuses
Proposed Mechanisms	Accessory Apartment Program	7	n/a	n/a	7
	Willow Glen Group Home	3	Rental	3	6
Subtotal		10		3	
TOTAL					13

⁹ The number of residential COs (11) is initially divided by 5 to yield 2.2 units and the number of jobs is divided by 16 to yield 0 units. Sandyston's total actual growth share is therefore 2 units (2.2 + 0). **Note:** This number does not take into account allowable exclusions permitted under N.J.A.C. 5:97-2.5; therefore, the actual growth share may vary.

GROWTH SHARE SUMMARY
Projected Growth Share Obligation: 36 Units

	Name of Mechanism	No. Units/ Bedrooms	Bonus Type	No. Bonuses	Total Units/Bedrooms + Bonuses
Proposed Mechanisms	Willow Glen Group Home	1	n/a	0	1
	Accessory Apartment Program	3	n/a	0	3
	Supportive and Special Needs Housing	8	n/a	0	8
	Municipally-Sponsored and 100% Affordable Rentals	24	n/a	0	24
Subtotal		36		0	
TOTAL					36

III. FAIR SHARE DOCUMENT REVIEW

A. Development Fee Ordinance

Sandyston's certified plan included a development fee ordinance that was approved by COAH on May 31, 2007, and adopted by the Township on March 6, 2007. Sandyston submitted a draft amended development fee ordinance for COAH's review and approval with its third round petition. The amended development fee ordinance was approved on March 11, 2009.

B. Third Round Spending Plan

A third round spending plan was submitted by Sandyston with the Township's third round petition for COAH's review and approval. The spending plan was approved by COAH on April 13, 2009.

C. Affordable Housing Ordinance/Affordable Housing Administration

Sandyston has submitted a draft affordable housing ordinance that comports with the requirements of the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 et seq.,

which was amended on December 20, 2004. The draft proposed ordinance has been amended to comply with barrier free subcode of the State Uniform Construction Code Act (N.J.S.A. 52:27D-119 et seq.) and the accessibility requirements of N.J.S.A. 52:27D-123.15. The draft ordinance must be adopted within 45 days of COAH's grant of substantive certification and submitted to COAH immediately upon adoption.

An ordinance establishing the position of a municipal housing liaison and a resolution appointing a municipal housing liaison were adopted by the Township on December 11, 2007.

Sandyston is responsible for the continued re-sale and re-rental of existing affordable units and the initial sale and rental of newly constructed affordable units within the Township and must identify an experienced administrative entity for that purpose by the contract, agreement or letter. Sandyston has submitted a contract with Patricia Fischer of North Jersey Housing and Planning Services LLC as its administrative entity for its rehabilitation program. Pursuant to N.J.A.C. 5:80-26.14(b), Sandyston must submit a written operating manual for administering affordable units within the Township prior to marketing the completed units.

D. Affirmative Marketing Plan

Sandyston has submitted an affirmative marketing plan that comports with the requirements of the UHAC and ensures the units in the Township's 1987-2018 Fair Share Plan and all future affordable housing units will be affirmatively marketed to the region upon initial sale/rental and re-sale/re-rental. Once approved by COAH, the affirmative marketing plan must be adopted by resolution by the Township within 45 days of COAH's grant of substantive certification and submitted to COAH.

IV. MONITORING

Sandyston must comply with COAH monitoring requirements as set forth in N.J.A.C. 5:96-11, including reporting the Township's actual growth pursuant to N.J.A.C. 5:97-2.5. As indicated above, credits for built units will be validated and verified during monitoring prior to the first biennial plan evaluation. It should be noted that credits for affordable housing programs and/or affordable units must be in compliance with N.J.A.C. 5:97-4 in order for credit to be retained. If the

units are determined not to be eligible for credit, COAH will notify Sandyston in writing and the Township may be directed to amend its certified plan to address the shortfall.

Pursuant to N.J.A.C. 5:96-10.1, COAH will conduct biennial plan evaluations upon substantive certification of Sandyston's Housing Element and Fair Share Plan. The purpose of the plan evaluation is to verify that the construction or provision of affordable housing has been in proportion to the actual residential growth and employment growth in the Township and to determine that the mechanisms addressing the projected growth share obligation continue to present a realistic opportunity for the creation of affordable housing. If upon any biennial review the difference between the number of affordable units constructed or provided in Sandyston and the number of units required pursuant to N.J.A.C. 5:97-2.5 results in a prorated production shortage of 10 percent or greater or Sandyston is not adhering to its implementation schedule pursuant to N.J.A.C. 5:97- 3.2(a)4, or the mechanisms addressing the projected growth share obligation no longer present a realistic opportunity for the creation of affordable housing, the Council may direct Sandyston to amend its plan to address the shortfall.

V. RECOMMENDATION

COAH staff recommends that Sandyston be granted third round substantive certification. Sandyston must adopt all necessary implementing ordinances within 45 days of the grant of substantive certification and submit certified copies of the adopted ordinances to COAH within seven days of the adoption.